IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO: 10818 of 2005

Between:

S.Narasimha Rao, S/o.Seetarama Rao,
R/o.Rayadurg, Ananthapur District.

... PETITIONER

AND

1 The A.P.State Wakf Board, Hyderabad, rep. by the Chief

Executive officer.
2 The District Collector, Ananthapur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring proceedings of the 2nd respondent passed in Rc.NO.1822/05H2 dated 12-4-2005 as illegal and arbitrary and one without jurisdiction and pass such other or further orders as the Hon'ble court feels deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.S.V.RAMANA

Counsel for the Respondents: MR.A.M.QURESHI

The Court made the following:

ORDER:

Petitioner is aggrieved by an order of the second respondent directing the petitioner to deliver the specified property to the Inspector-Auditor of the Wakfs, Anantapur District, within 30 days from the date of receipt of the order, failing which the second respondent states he shall obtain possession of the property by appropriate coercive process.

2. As against the order of the second respondent, the petitioner has available an appellate remedy to the Wakf Tribunal vide Section 52(4) of the Wakf Act, 1995 (for short 'the Act'). As the determination by the second respondent that the property belongs to the Wakf is not a determination patently in violation of principles of natural justice, the order even if erroneous is liable to correction in appellate process. In the circumstances, this Court is not inclined to interfere with the aforesaid order of the second respondent. Petitioner is at liberty to pursue appellate remedies under Section 52(4) of the Act. To facilitate the pursuit of appellate remedies by the petitioner, the second respondent is directed not to use coercive steps for recovery of the property from the petitioner, for a period of 30 days from today. Nothing in this order shall be construed as an expression by this Court on the merits of the petitioner's claim. The appeal shall be considered by the Appellate Tribunal, if and when the petitioner prefers an appeal, on its own merits and in accordance with law.

3. The writ petition is disposed of as above. No costs.

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GODA RAGHURAM, J

Dated:10.05.2005

Ccm/Rar

To

1 The Chief Executive officer, A.P.State Wakf Board,

Hyderabad.
2 The District Collector, Ananthapur.

3 2 CD copies.